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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,831

02/09/2004

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EWIGPA103

9776

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EXAMINER

KURR, JASON RICHARD

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,831	<b>Applicant(s)</b> EWING, GLENN	
	<b>Examiner</b> JASON R. KURR	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 8 and 17 are objected to because of the following informalities: .

Claim 8 recites the limitation "said original source" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the interjected dialogue, noises and utterances" in line 18 of page 18. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-9 and 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo et al (US 5,296,643) in view of Snyder (US 4,677,674).

With respect to claim 1, Kuo discloses an entertainment system comprising: a first video input (fig.1 #25,45) for receiving video signals from an original source (fig.1 #21)(col.4 ln.23-44); a first audio input (fig.1 #37,44) for receiving first audio signals from said original source (col.6 ln.9-13); a second audio input (fig.1 #38) for receiving second audio signals from a secondary source independent of said original source (col.6 ln.21-25); a volume control (fig.1 #23) for selectively adjusting the volume level of said first audio signals and said second audio signals; and a device (fig.1 #23) for

mixing said selectively adjusted first audio signals with said selectively adjusted second audio signals (col.5 ln.42-48).

Kuo does not disclose expressly wherein the volume control comprises a separate first volume control for selectively adjusting the volume level of said first audio signals and a separate second volume control for selectively adjusting the volume level of said second audio signals.

Snyder discloses multiple volume controls (fig.6 #6-9) on separate input signal paths, wherein each level of each signal path may be adjusted individually prior to being mixed at amplifier #15. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the volume adjustment circuit of Snyder to individually adjust the input audio signals of Kuo prior to mixing. The motivation for doing so would have been to increase or decrease the volume of the user's voice on microphone #38 of Kuo relative to the audio signal from the original source #21. This would allow the user to control the volume his or her voice and the volume of the source audio separately.

With respect to claim 2, Kuo discloses the entertainment system as recited in claim 1 further comprising: a recording device (fig.9 #101) for recording said mixed first and second audio signals for subsequent playback (col.12 ln.33-45).

With respect to claim 3, Kuo discloses the entertainment system as recited in claim 2 wherein said recording device is further structured and disposed for recording said video signals from said original source with said mixed first and second audio signals for subsequent playback (col.12 ln.59-65).

With respect to claim 5, Kuo discloses the entertainment system as recited in claim 1 wherein said original source of said video signals and said first audio signals is a recorded medium (col.4 ln.45-51).

With respect to claim 6, Kuo discloses the entertainment system as recited in claim 1 wherein said secondary source includes at least one microphone (col.6 ln.21-25).

With respect to claim 7, Kuo discloses the entertainment system as recited in claim 6 wherein said second audio signals are transmitted through said one or more microphones and are derived from voice dialogue, noises and utterances made by one or more users (col.6 ln.21-25).

With respect to claim 8, Kuo discloses an entertainment system comprising: a first audio input (fig.1 #37,44) for receiving first audio signals from said original source (fig.1 #21)(col.6 ln.9-13); a second audio input (fig.1 #38) for receiving second audio signals from a secondary source independent of said original source (col.6 ln.21-25); a volume control (fig.1 #23) for selectively adjusting the volume level of said first audio signals and said second audio signals; and a device (fig.1 #23) for mixing said selectively adjusted first audio signals with said selectively adjusted second audio signals (col.5 ln.42-48).

Kuo does not disclose expressly wherein the volume control comprises a separate first volume control for selectively adjusting the volume level of said first audio signals and a separate second volume control for selectively adjusting the volume level of said second audio signals.

Snyder discloses multiple volume controls (fig.6 #6-9) on separate input signal paths, wherein each level of each signal path may be adjusted individually prior to being mixed at amplifier #15. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the volume adjustment circuit of Snyder to individually adjust the input audio signals of Kuo prior to mixing. The motivation for doing so would have been to increase or decrease the volume of the user's voice on microphone #38 of Kuo relative to the audio signal from the original source #21. This would allow the user to control the volume his or her voice and the volume of the source audio separately.

With respect to claim 9, Kuo discloses the entertainment system as recited in claim 8 further comprising: a recording device (fig.9 #101) for recording the mixed first and second audio signals for subsequent playback (col.12 ln.33-45).

With respect to claim 14, Kuo discloses the entertainment system as recited in claim 9 wherein said original source is a recorded medium (col.4 ln.45-51).

With respect to claim 15, Kuo discloses the entertainment system as recited in claim 9 wherein said secondary source includes at least one microphone and said second audio signals are derived from voice dialogue, noises and utterances made by one or more users through at least one microphone (col.6 ln.21-25).

With respect to claim 16, Kuo discloses the entertainment system as recited in claim 15 wherein said secondary source comprises a plurality of said microphones (fig.1 #43).

With respect to claim 17, Kuo discloses a method of playing a game for amusement and entertainment, comprising the steps of: providing a television monitor (fig.1 #20) and speakers (fig.1 #42) for playing an original program containing audio and video (fig.1 #21, col.4 ln.58-62); providing a device (fig.1 #23) comprising: a first video input (fig.1 #25) for receiving video signals from the original program; a first audio input (fig.1 #37,44) for receiving first audio signals from the original program; a second audio input (fig.1 #38) for receiving second audio signals from a secondary source independent of the original program (col.5 ln.42-48); a volume control (fig.1 #23) for selectively adjusting the volume level of said first audio signals and said second audio signals; and a device (fig.1 #23) for mixing said selectively adjusted first audio signals with said selectively adjusted second audio signals (col.5 ln.42-48); providing a microphone to each of a plurality of players of the game; playing the original program on the television monitor; interjecting dialogue, utterances and noises by each of the plurality of players using the respective microphones; adjusting the volume level of the audio of the original program; adjusting the volume level of the interjected dialogue, noises and utterances of the players; mixing the interjected dialogue, noises and utterances of the players with the audio of the original program (col.5 ln.42-48); recording the video of the original program with the mixed audio of the original program and interjected dialogue, noises and utterances of the players on a selected medium to produce a recorded master copy; and playing the recorded master copy on the television monitor and speakers for amusement and entertainment (fig.9 #101, col.12 ln.33-65).

Kuo does not disclose expressly wherein the volume control comprises a separate first volume control for selectively adjusting the volume level of said first audio signals and a separate second volume control for selectively adjusting the volume level of said second audio signals.

Snyder discloses multiple volume controls (fig.6 #6-9) on separate input signal paths, wherein each level of each signal path may be adjusted individually prior to being mixed at amplifier #15. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the volume adjustment circuit of Snyder to individually adjust the input audio signals of Kuo prior to mixing. The motivation for doing so would have been to increase or decrease the volume of the user's voice on microphone #38 of Kuo relative to the audio signal from the original source #21. This would allow the user to control the volume his or her voice and the volume of the source audio separately.

Claims 4 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo et al (US 5,296,643) in view of Snyder (US 4,677,674) and in further view of Lee et al (US 6,331,669 B1).

With respect to claim 4, Kuo discloses the entertainment system as recited in claim 1 however does not disclose expressly wherein said original source of said video signals and said first audio signals is a broadcast program.

Lee discloses a karaoke system wherein the original source of video and audio signals is a broadcast program (col.1 ln.34-39). At the time of the invention it would



have been obvious to a person of ordinary skill in the art to use the karaoke broadcasting system of Lee in place of the recorded media original source #21 of Kuo. The motivation for doing so would have been to allow a user to order a karaoke program through his or her local cable provider. This would allow the user to acquire new karaoke songs/videos without leaving the comforts of their home.

With respect to claim 10, Kuo discloses the entertainment system as recited in claim 9 however does not disclose expressly wherein said original source of said first audio signals is a broadcast program. Lee discloses a karaoke system wherein the original source of audio signals is a broadcast program (col.1 ln.34-39). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the karaoke broadcasting system of Lee in place of the recorded media original source #21 of Kuo. The motivation for doing so would have been to allow a user to order a karaoke program through his or her local cable provider. This would allow the user to acquire new karaoke songs without leaving the comforts of their home.

With respect to claim 11, Kuo discloses the entertainment system as recited in claim 10 wherein the broadcast program is a conventional television signal (Lee: col.2 ln.45-67).

With respect to claim 12, Kuo discloses the entertainment system as recited in claim 10 wherein said broadcast program is a cable television signal (Lee: col.1 ln.34-39).

With respect to claim 13, Kuo discloses the entertainment system as recited in claim 10 wherein the broadcast program is a satellite television signal (Lee: col.4 ln.22-27).

### ***Response to Amendment***

The reply filed on March 20, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): **If the Applicant disagrees with the rejection above, a clear presentation of arguments with respect to the cited prior art and the present claim language should be submitted. These arguments must address how the present claim language differs from the prior art of record. If the Applicant agrees with the rejection above, a new listing of amended claims should be submitted. Newly added claim language must be underlined, and deleted language must either be struck-through or surround by {brackets}. The Applicant's reply has provided neither clear arguments with respect to the cited prior art nor new claim amendments, and is therefor non-responsive.**

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON R. KURR whose telephone number is (571)272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 273-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Kurr/  
Examiner, Art Unit 2614  
/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2614